REMARKS

By this Amendment, Applicants amend claims 3, 4, 7, 8, 12, and 16, and add claim 17 to address another aspect of present invention. Claims 3-5, 7-9, 12, 13, 16, and 17 are currently pending.

In the final Office Action, the Examiner rejected claims 3-5, 9, and 16 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,876,981 to Berckmans ("Berckmans"); rejected claims 7 and 8 under 35 U.S.C. § 103(a) as being unpatentable over Berckmans in view of Wesley Iverson, Stock trading goes wireless, Financial Services Online, November 1998 ("Iverson");[1] and rejected claims 12 and 13 under 35 U.S.C. § 103(a) as being unpatentable over Berckmans in view of Matt Haig, "Online: E-commerce: Spread it by word or mouse: Why pay for banner ads when you can get customers to sell your product for you on the net?" The Guardian - UK, February 15, 2001, page 14 ("Haig").[2]

Applicants thank the current Examiner for conducting an in-person interview with the Applicants' undersigned representative on October 2, 2007, to discuss possible claim amendments and the Examiner's cited references.

Regarding the rejection under 35 U.S.C. § 102(e)

Applicants respectfully traverse the rejection of claims 3-5, 9, and 16 under 35 U.S.C. § 102(a) as being anticipated by Berckmans. In order to anticipate Applicants'

---

[1] Although the Examiner also listed claims 12 and 13 as rejected under the Iverson reference in item 4, the Examiner did not list reasons for rejection of claims 12 and 13. Instead, the Examiner indicated in item 5 of the Office Action that claims 12 and 13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Berckmans in view of Haig. (Office Action at 7.)

[2] The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

claimed invention under 35 U.S.C. § 102, each and every element of the claim in issue must be found, either expressly described or under principles of inherency, in a single prior art reference. Further, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim." See M.P.E.P. § 2131, quoting Richardson v. Suzuki Motor Co., 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Independent claim 3, as amended, recites a combination including, for example, "a condition input step of inputting one or more conditions of a technical index associated with a stock market stock average, and a stock price trend of a named stock to be notified to a customer, . . . and a notification step of, when said one or more conditions are satisfied at said condition detection step, notifying said customer of the satisfaction by electronic mail." Berckmans fails to disclose at least these features of amended claim 3.

Berckmans discloses that "the information also contain meta-data, derivative data, or any number of trading tallies, such as opening and closing prices, changes in trading price and volume, available options, daily high and low figures, etc." and that "the financial exchanges 100 are located around the world and transmit their financial data as it changes, or on a 'tick-by-tick' basis." Berckmans, column 4, lines 2-21, emphasis added. However, mere real-time information, by itself, does not constitute "a condition input step of inputting one or more conditions of a technical index associated with a stock market stock average, and a stock price trend of a named stock to be notified to a customer," as recited by amended claim 3 (emphasis added).

Further, as discussed during the interview, Berckmans fails to explicitly disclose at least "notifying said customer of the satisfaction by electronic mail," as recited in amended claim 3 (emphasis added).

Therefore, Berckmans fails to disclose each and every element of amended claim 3. Berckmans thus cannot anticipate amended claim 3 under 35 U.S.C. § 102(e). Accordingly, Applicants respectfully request withdrawal of the Section 102(e) rejection of amended claim 3. Because claims 4, 5, and 9 depend from claim 3, Applicants also request withdrawal of the Section 102(a) rejection of claims 4, 5, and 9 for at least the same reasons stated above.

Further, amended independent claims 12 and 16, while of different scope, include similar recitations to those of amended claim 3. Amended claims 12 and 16 are therefore also allowable for at least the same reasons stated above with respect to amended claim 3. Applicants respectfully request withdrawal of the Section 102(e) rejection of amended claims 12 and 16.

In addition, Berckmans fails to disclose at least "wherein an address of a home page of a predetermined form of stock buying and selling is displayed in contents of said received electronic mail and when said address is clicked, a predetermined name with said one or more conditions input is input and displayed on said predetermined form," as recited in amended claim 12.

Regarding the rejection under 35 U.S.C. § 103(a)

Applicants respectfully traverse the rejection of claims 7, and 8 under 35 U.S.C. § 103(a) as being unpatentable over Berckmans in view of Iverson, because a *prima*

facie case of obviousness has not been established. Claims 7 and 8 depend from claim 3.

To establish a *prima facie* case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *See* M.P.E.P. § 2142, 8th Ed., Rev. 5 (August 2006). Moreover, "in formulating a rejection under 35 U.S.C. § 103(a) based upon a combination of prior art elements, it remains necessary to identify the reason why a person of ordinary skill in the art would have combined the prior art elements in the manner claimed." USPTO Memorandum from Margaret A. Focarino, Deputy Commissioner for Patent Operations, May 3, 2007, page 2.

As set forth above, Berckmans fails to teach or suggest at least "a condition input step of inputting one or more conditions of a technical index associated with a stock market stock average, and a stock price trend of a named stock to be notified to a customer, . . . and a notification step of, when said one or more conditions are satisfied at said condition detection step, notifying said customer of the satisfaction by electronic mail," as recited in amended claim 3 and required by claims 7 and 8 (emphasis added).

Iverson fails to cure the deficiencies of Berckmans. Iverson mentions that "[c]onsumers using laptop personal computers with wireless modems can already connect to Web-based brokerages for trading, of course. But the latest technology brings a similar capability to much smaller, hand-held devices – including 'smart' cellular telephones." Iverson at 22. However, a mere mention of online brokerages does not constitute the above listed claim elements as recited in amended claim 3 and required by claims 7 and 8.

In addition, as explained previously, Berckmans in view of Iverson fail to teach or suggest "wherein in said electronic mail notified by said notification step, an address of a home page linked to a current market is included," as recited in claim 7 and "wherein in said electronic mail notified by said notification step, an address of a home page linked to a certification screen of a stock buying and selling form is included," as recited in claim 8 (emphasis added).

Because, neither Berckmans nor Iverson, taken alone or in any reasonable combination, teaches or suggests all elements required by claims 7 and 8, a *prima facie* case of obviousness has not been established. Accordingly, Applicants respectfully request withdrawal of the Section 103(a) rejection of claims 7 and 8.

Applicants respectfully traverse the rejection of claims 12 and 13 under 35 U.S.C. § 103(a) as being unpatentable over Berckmans in view of Haig. As set forth above, Berckmans fails to teach or suggest at least "displaying a screen for promoting to input one or more conditions of a technical index associated with a stock market stock average, and a stock trend of a stock with a predetermined name; and transmitting said one or more conditions on said screen, and when said input conditions are satisfied, receiving information of the satisfaction by electronic mail," as recited in amended claim 12 (emphasis added).

Haig fails to cure the deficiencies of Berckmans. Haig teaches that "every email sent by a Hotmail user should incorporate the following message: 'Get your free Web based email at Hotmail'. By clicking on this line of text, the recipient would be transported to the Hotmail home page." Haig, Abstract. However, a mere link to the sender's home page does not constitute the above listed features of amended claim 12.

In addition, neither Berckmans nor Haig teaches or suggests "an address of a home page of a form of contract for sale on stock buying and selling is displayed in contents of said received electronic mail and when said address is clicked, the predetermined name with said one or more conditions input is inputted and displayed on said form of contract for sale," as recited in amended claim 12 (emphasis added).

Because, neither Berckmans nor Haig, taken alone or in any reasonable combination, teaches or suggests all elements of amended claim 12, a *prima facie* case of obviousness has not been established. Accordingly, Applicants respectfully request withdrawal of the Section 103(a) rejection of claim 12 and dependent claim 13, which depends from claim 12.

Regarding the newly added claim

Applicants add new claim 17 to address another aspect of the present invention. Support for claim 17 may be found at, for example, page 12 of the specification. Because claim 17 depends from amended claim 3, claim 17 is also allowable for at least the same reasons stated above with respect to amended claim 3. In addition, Applicants respectfully submit that the applied prior art references fail to teach "wherein the technical index includes a relative strength index (RSI) obtained from a psychological line," as recited in claim 17.

Conclusion

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: October 19, 2007

By: _____
Wenye Tan
Reg. No. 55,662